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# IN THE SUPREME COURT OF THE STATE OF ALASKA

Rosemarie Peterson,	)	
	)	
Appellant,	)	
	)	
v.	)	
	)	
Kelly Lee Brown,	)	Supreme Court No. S-17960
	)	
Appellee.	)	

Trial Court Case No. 3VA-19-00050 CI

## STATE’S NOTICE OF NONPARTICIPATION

The State of Alaska hereby respectfully declines the Court’s invitation to file an amicus brief in this case. Based on the State’s review of the appellate record and briefing, it does not appear that the constitutionality of AS 25.20.050 is at issue in this appeal. Neither party appears to have challenged the constitutionality of the statute below, and the superior court did not declare the statute unconstitutional in its final order. Rather, the superior court construed the statute so as to avoid raising serious constitutional questions.

The appellant does not appear to challenge the superior court’s interpretation of AS 25.20.050 on appeal or contest the statute’s constitutionality. Rather, the appellant’s primary contention and the only dispute at issue appears to concern the application of AS 25.20.050, and whether it was appropriate for the superior court to rely on the statute when neither party explicitly cited to it in argument. Thus, based on the State’s review of the briefing and underlying decision, it appears that the superior court’s construction of the statute—and its application of the canon of constitutional avoidance—is not at issue on appeal, either.

The State appreciates the Court's attention to a possible constitutional issue and thanks the Court for its invitation to participate as amicus curiae, but for the reasons set forth above respectfully declines to participate in this case.

DATED April 12, 2021

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